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SUPPLEMENT.

THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) ACT (XIV OF 1946).

[28th September, 1946.

An Act to provide for the continuance during a limited period of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property.

WHEREAS it is expedient to provide for the continuance during a limited period of powers to control the production, supply, distribution, transport and prices of essential articles and trade and commerce therein and requisitioning of property; It is hereby enacted as follows:—

Short title, extent, commencement and duration.

1. (1) This Act may be called THE MADRAS ESSENTIAL ARTICLES CONTROL AND REQUISITIONING (TEMPORARY POWERS) ACT, 1946.

(2) It extends to the whole of the Province of Madras.

(3) It shall come into force on the 1st day of October, 1946.

(4) It shall remain in force for a period of two years; but the Provincial Government, may, from to time, by notification in the *Fort St. George Gazette*, extend this period by a further period or periods not exceeding two years in the aggregate, if, in the opinion of the Provincial Government, it is expedient so to do. Such notification shall be placed on the table of the Houses of Legislature if sitting; if not sitting, it will be sent to the members of the Legislature.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "essential article" means any of the articles which is specified in the Schedule to this Act and any other article which may be declared by the Provincial Government by notified order to be an essential article,

(b) "notified order" means an order notified in the *Fort St. George Gazette*,

(c) "undertaking" means any undertaking by way of any trade or business and includes the occupation of handling, loading or unloading goods in the course of transport.

Powers to control production, supply, distribution, transport and prices of essential articles.

3. (1) The Provincial Government, so far as it appears to them to be necessary or expedient for maintaining, increasing or securing supplies of essential articles or for arranging for their equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, may, by notified order, provide for regulating or prohibiting the production, supply, distribution and transport of essential articles and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), an order made thereunder may provide—

(a) for regulating by licences, permits or otherwise the production or manufacture of any essential article;

(b) for controlling the prices at which any essential article may be bought or sold;

(c) for prohibiting or regulating by licences, permits, or otherwise the storage, distribution, transport, disposal, acquisition, use or consumption of any essential article;

(d) for prohibiting the withholding from sale of any essential article ordinarily kept for sale;

(e) for requiring any person holding stocks of an essential article to sell them at fair prices to specified persons or class of persons or in specified circumstances;

(f) for regulating or prohibiting any class of commercial or financial transactions relating to any essential article, which in the opinion of the Provincial Government are, or if unregulated are likely to be, detrimental to the public interest;

(g) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters;

(*h*) for requiring persons engaged in the production, supply or distribution of, or trade or commerce in, any essential article to declare their stocks of essential articles, to maintain and allow inspection of or produce for inspection any books, accounts and records relating to their business, and to furnish any other information relating thereto ;

(*i*) for regulating the processing of any essential article ;

(*j*) for exercising over the whole or any part of an existing undertaking, such functions of control and subject to such conditions, as may be specified in the order ;

(*k*) for any incidental and supplementary matters, including in particular the entering and search of premises, vehicles, vessels and aircraft, the seizure by a person authorized to make such search of any article in respect of which such person has reason to believe that a contravention of the order has been, is being or is about to be committed, the grant or issue of licences, permits or other documents, and the charging of fees therefor.

Powers of requisitioning and acquisition.

4. (1) If, in the opinion of the Provincial Government, it is necessary or expedient so to do for maintaining, increasing or securing supplies of any essential article or for arranging for its equitable distribution and availability at fair prices or for directing, maintaining or increasing the production of any essential article, the Provincial Government may, by order in writing, requisition any property, movable or immovable, and may make such further orders as appear to them to be necessary or expedient in connexion with such requisitioning :

Provided that no property used for the purpose of religious worship shall be requisitioned under this section :

Provided further that buildings solely used for residential purposes shall not ordinarily be requisitioned.

(2) Where the Provincial Government have requisitioned any property under sub-section (1), they may use or deal with the property in such manner as may appear to them to be expedient and may acquire it by serving on the owner thereof, or where the owner is not readily traceable or the ownership is in dispute, by publishing in the *Fort St. George Gazette*, a notice stating that the Provincial Government have decided to acquire it in pursuance of this section.

(3) Where a notice of acquisition is served on the owner of the property or is published in the *Fort St. George Gazette*, under sub-section (2), then, at the beginning of the day on which the notice is so served or published, the property shall vest absolutely in the Provincial Government free from all encumbrances and the period of requisition thereof shall end.

Payment of compensation.

5. (1) Whenever in pursuance of section 4 any movable property is requisitioned or acquired, the compensation payable therefor and the person or persons to whom it should be paid shall be determined in accordance with the rules to be made in this behalf by the Provincial Government.

(2) Whenever in pursuance of section 4 any immovable property is requisitioned or acquired, there shall be paid compensation determined in the manner and in accordance with the principles hereinafter set out, that is to say—

(*a*) Where the amount of compensation can be fixed by agreement, it shall be paid in accordance with such agreement.

(*b*) Where no such agreement can be reached, the Provincial Government shall appoint, as arbitrator, the District Judge or Subordinate Judge having jurisdiction over the area in which the immovable property is situated.

(*c*) At the commencement of the proceedings before the arbitrator, the Provincial Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(*d*) The arbitrator in making his award shall have regard to—

(i) the provisions of sub-section (1) of section 23 of the Land Acquisition Act, 1894, so far as the same can be made applicable, and

(ii) whether the acquisition is of a permanent or temporary character :

Provided that where any property requisitioned is subsequently acquired, the arbitrator, in any proceedings in connexion with such acquisition, shall for the purposes of the provisions of the said section 23, take into consideration the market value of the property at the date of the requisition as aforesaid and not at the date of its subsequent acquisition.

(*e*) An appeal shall lie to the High Court against the award of an arbitrator where the value of the subject-matter in dispute in appeal is two thousand rupees and above.

Explanation.—In the case of periodical payments the value of the subject-matter in appeal shall be deemed to be five times the amount in dispute calculated for one year.

(*f*) Save as provided in this section and in any rules made under this Act, nothing in any law for the time being in force relating to arbitration shall apply to arbitrations under this section.

(3) The Provincial Government may, with a view to requisitioning or acquiring any property under section 4, by order—

(*a*) require any person to furnish to such authority as may be specified in the order such information in his possession relating to the property as may be so specified ;

(*b*) direct that the owner, occupier or person in possession of the property shall not, without the permission of the Provincial Government, dispose of it or, where the property is a building, structurally alter it or where the property is movable, remove it from the premises in which it is kept, until the expiry of such period as may be specified in the order.

Release from requisition.

6. (1) Where any property requisitioned under this Act is to be released from such requisition, the Provincial Government or any person generally or specially authorized by them in this behalf may, after such inquiry, if any, as they or he may in any case consider it necessary to make or cause to be made, specify by order in writing the person to whom possession of the property shall be given.

(2) The delivery of possession of the property to the person specified in an order under sub-section (1) shall be a full discharge of the Provincial Government from all liabilities in respect of the property, but shall not prejudice any rights in respect of the property which any other person may be entitled by a due process of law to enforce against the person to whom possession of the property is given.

Control of agriculture.

7. (1) The Provincial Government, so far as it appears to be necessary or expedient for maintaining, increasing or securing the supply of essential articles, may, by notified order, provide—

(*a*) for prohibiting, restricting or otherwise controlling the cultivation of specified crops;

(*b*) for bringing under cultivation any waste or arable land, whether appurtenant to a building or not, and for the growing therein of specified crops.

(2) If, in the opinion of the Provincial Government, the person in possession or having effective control of any land to which an order made under sub-section (1) applies, has failed to comply with the order, the Provincial Government may, without prejudice to any other action that may be taken against that person (hereinafter referred to as "defaulter") in respect of the contravention, by order direct that the land shall be placed in the exclusive possession of such person and for such period as may be specified in the order and during the period of continuance of the last mentioned order, the person specified therein shall have all the rights of the defaulter to manage the land and to realize the profits arising therefrom and shall only be liable to pay on behalf of the defaulter the Government revenue, all other charges of a public nature and the rent, if any, accruing due in respect of the land during that period.

Delegation of powers.

8. (1) The Provincial Government may, by notified order, authorize any officer or authority subordinate to the Provincial Government, to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 19, in relation to such matters and subject to such restrictions and conditions, if any, as may be specified in the order.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the Provincial Government or by such persons as may be empowered by them in that behalf. The Provincial Government shall also have power to control and revise the acts or proceedings of any persons so empowered.

Continuance in force of existing orders.

9. (1) Every order made by the Provincial Government or the Central Government or any other competent authority under any of the provisions of the Defence of India Rules in respect of any of the matters specified in sections 3, 4 and 7 which having been notified in the Official Gazette was in force immediately before the commencement of this Act shall, in so far as it could validly have been made by the Provincial Government under this Act, continue in force as if it has been made by the Provincial Government under the provisions of this Act and remain until it is superseded or modified by the competent authority under the provisions of this Act: and all appointments made, licences or permits issued, regulations made and directions given under any such order shall also continue in force until superseded or modified by the competent authority.

(2) The Provincial Government may, if they consider it expedient so to do, from time to time, modify or annul any order, appointment, licence, permit, regultions or direction specified in sub-section (1).

Effect of order inconsistent with other enactments.

10. Any order made under section 3 or section 4 or section 7 or continued under section 9 shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or in any instrument having effect by virtue of any enactment other than this Act.

Mode of publication.

11. (1) Every authority or officer who makes any order in writing in pursuance of any of the provisions of this Act shall in the case of an order of a general nature affecting a class of persons publish such order by a notification in prescribed manner and in such manner as may in the opinion of such authority or officer be best suited for informing the persons whom the order concerns. Where the order is not of a general nature, the authority or officer may serve the order or cause it to be served on the person concerned—

(*a*) personally by delivering or tendering him the order; or

(*b*) by sending him an authenticated copy of the order by post; or

(*c*) where the person cannot be found, by leaving an authenticated copy of the order with some adult male member of his family or by affixing it to any part of the premises in which he is known to have last resided or carried on business or personally worked for gain.

(2) Where any provision of this Act empowers an authority or officer to take action by notified order, the provisions of sub-section (1) shall not apply in relation to such order.

Penalties.

12. (1) If any person contravenes any order made under section 3 or section 4 or section 7 (1) (a) or continued under section 9, he shall be punishable with imprisonment for a term which may extend to three years or with fine or with both; and, if the order so provides, any Court trying such contravention may direct that any property in respect of which the Court is satisfied that the order has been contravened shall be forfeited to the Provincial Government:

Provided that where the contravention is of an order relating to an essential article which contains an express provision in this behalf, the Court shall make such direction, unless for reasons to be recorded in writing, it is of opinion that the direction should not be made in respect of the whole or, as the case may be, a part of the property.

(2) Where any essential article is seized under the authority of an order made under this Act or continued under section 9 and such order provides for the forfeiture of the article in respect of which the order has been contravened, such forfeiture may, whether or not any prosecution is instituted for a contravention of the order, be adjudged by the Collector of the district or Presidency-town in which the siezure was made, and any forfeiture so adjudged shall, subject only to an appeal which shall lie to the Provincial Government, be final:

Provided that an adjudication of forfeiture under this sub-section shall be no bar to the prosecution or punishment of any person under sub-section (1).

(3) Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any Magistrate of the first class specially empowered by the Provincial Government in this behalf and for any Presidency Magistrate to pass a sentence of fine exceeding one thousand rupees on any person convicted of contravening an order made under this Act or continued under section 9.

(4) If any person to whom any provision of any order made under this Act or continued under section 9 relates, or to whom any such provision is addressed or who is in occupation, possession or control of any land, building, vehicle, vessel or other thing to which such provision relates—

(a) fails, without lawful authority or excuse, himself, or in respect of any land, building, vehicle, vessel or other thing of which he is in occupation, possession or control, to comply, or to secure compliance, with such provision, or

(b) evades, or attempts to evade, by any means, such provision, he shall be deemed to have contravened such provision; and in this Act, the expression "contravention" with its grammatical variations includes any such failure, evasion or attempt to evade.

Abetment and assistance of contraventions.

13. Any person who attempts to contravene or abets or attempts to abet or does any act preparatory to a contravention of an order made under this Act or continued under section 9 shall be deemed to have contravened the order; and any person who, knowing or having reasonable cause to believe that any other person is contravening any order made under this Act or continued under section 9, gives that other person any assistance with intent thereby to prevent, hinder or otherwise interfere with his arrest, trial or punishment for the said contravention, shall also be deemed to have contravened the order.

Offences by corporations.

14. If the person who contravenes or is deemed to contravene an order made under section 3, section 4 or section 7 or continued under section 9 is a company or other body corporate, every director, manager, secretary or other officer or agent thereof shall, unless he proves that the contravention took place without his knowledge and that he exercised all due diligence to prevent such contravention, be deemed to be guilty of such contravention.

Cognizance of offences.

15. No Court shall take cognizance of any offence punishable under this Act except on a report in writing of the facts constituting such offence made by a person who is a public servant as defined in section 21 of the Indian Penal Code.

Burden of proof.

16. Where any person is prosecuted for contravening any order made under this Act or continued under section 9 which prohibits him from doing an act or being in possession of a thing without lawful authority or excuse or without a permit, licence, certificate, or permission, the burden of proof that he has such authority or excuse or, as the case may be, the requisite permit, licence, certificate or permission shall be on him.

Saving as to orders.

17. (1) No Court shall, in any suit in which the validity of an order issued or action taken under this Act is in question, have power to issue any injunction, whether permanent or temporary, so as to restrain the Provincial Government or any authority or officer empowered by or under this Act from executing or carrying out any order passed by them or by him under this Act, or in any way interfere with or affect such order.

Nothing contained in this section shall be deemed to prevent the Court from granting in the suit any relief by way of compensation to which the party may be entitled.

(2) Where an order purports to have been made and signed by any authority in exercise of any power conferred by or under this Act, a Court shall, within the meaning of the Indian Evidence Act, 1872, presume that such order was so made by that authority.

18. (1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4, section 7 or continued under section 9.

Protection of action taken under the Act.

(2) No suit or other legal proceeding shall lie against the Provincial Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made under section 3, section 4 or section 7 or continued under section 9.

19. (1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make rules for the purpose of carrying into effect the provisions of this Act.

Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the procedure to be followed in arbitrations under this Act;

(b) the principles to be followed in apportioning costs of proceedings before the arbitrator and on appeal.

THE SCHEDULE.

[*See* section 2 (*a*).]

(1) Firewood.
(2) Charcoal.
(3) Livestock.
(4) Eggs.
(5) Non-edible oil seeds.
(6) Manures.
(7) Electrical energy.
(8) All vat dyes.
(9) Alazarine.
(10) Other dyes used for textile printing.
(11) Artificial silk yarn.
(12) Motor vehicles (new or used).

THE MADRAS TENANTS AND RYOTS PROTECTION ACT (XVII OF 1946).

[*4th October*, 1946.

An Act to provide for the temporary protection of certain classes of tenants and ryots in the Province of Madras.

WHEREAS it is necessary, pending further legislation, to provide for the temporary protection against eviction of tenants to whom the Malabar Tenancy Act, 1929, applies and of tenants of private lands in estates governed by the Madras Estates Land Act, 1908, and against sale of the holdings of such tenants and of ryots in such estates and to provide for the stay of suits and other proceedings relating to such eviction and sale; It is hereby enacted as follows:

Short title, application, commencement and duration.

1. (1) This Act may be called THE MADRAS TENANTS AND RYOTS PROTECTION ACT, 1946.

(2) It applies to—

(a) tenants in the district of Malabar governed by the Malabar Tenancy Act, 1929;

(b) ryots in estates in the Province of Madras governed by the Madras Estates Land Act, 1908; and

(c) tenants of private lands in such estates.

(3) It shall come into force at once.

(4) It shall remain in force for a period of two years, but the Provincial Government may, from time to time, by notification in the *Fort St. George Gazette*, extend this period by a further period or periods, not exceeding two years in the aggregate, if, in the opinion of the Provincial Government, it is expedient so to do.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) the expressions 'estate,' 'holding,' 'private land,' 'rent,' and 'ryot' shall in relation to estates governed by the Madras Estates Land Act, 1908, have the same meanings respectively as in that Act;

(b) the expressions 'eviction,' 'holding,' 'rent' and 'tenant' shall in relation to cases governed by the Malabar Tenancy Act, 1929, have the same meanings respectively as in that Act;

(c) the expression 'landlord' shall mean—

(i) in relation to estates governed by the Madras Estates Land Act, 1908, 'landholder' as defined in that Act; and

(ii) in relation to cases governed by the Malabar Tenancy Act, 1929, 'landlord' as defined in that Act.

Ryots and tenants not to be evicted.

3. During the continuance of this Act and subject to the provisions of sections 4 and 5—

(a) no tenant in the district of Malabar, and no tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance of a decree or order for eviction; and

(b) no holding of a tenant or ryot shall be liable to be sold or brought to sale in pursuance of a decree, order, or other proceeding for recovery of rent.

Stay of suits and proceedings for eviction of tenants.

4. (1) All suits, proceedings in execution of decrees or orders and other proceedings—

(a) for the eviction of tenants from their holdings or land, as the case may be, or in which a claim for such eviction is involved, whether in addition to a claim for rent or not, or

(b) in which the sale of the holding of a tenant or ryot for recovery of rent is claimed and which are pending at the commencement of this Act or may be instituted thereafter in any civil or revenue Court shall be stayed subject to the provisions of the following sub-sections:

Provided that nothing contained in this sub-section shall affect the power of the Court to grant any relief of the nature specified in section 94 of the Code of Civil Procedure, 1908, with a view to prevent wilful waste by the tenant or any person claiming under him.

(2) Where in a suit for eviction there is also a claim for rent, the tenant shall within two months from the date of the commencement of this Act or the date of institution of the suit, as the case may be, deposit in Court, for payment to the landlord—

(i) in the case of a suit instituted before the commencement of this Act, the arrears of rent accrued due until the date of the commencement of this Act, at the rate claimed in the plaint or an amount equivalent to rent for two years at the rate aforesaid, whichever is less,

(ii) in the case of a suit instituted on or after the commencement of this Act, the arrears of rent claimed in the plaint, or an amount equivalent to rent for two years at the rate claimed in the plaint, whichever is less,

together with such interest as may be payable under law, custom or agreement.

(3) In the case of a decree or order for eviction, if the decree or order provides for payment of rent, or in the case of a decree, order or other proceeding for the sale of a holding to recover rent, the tenant or ryot shall, within two months from the date of the commencement of this Act, deposit in Court, for payment to the landlord, the amount payable under the decree or order or an amount equivalent to rent for two years immediately preceding the commencement of this Act, whichever is less.

(4) Notwithstanding the expiry of the period specified in sub-section (2) or sub-section (3), the Court may, if satisfied that the tenant was prevented by sufficient cause from making the deposit within the period aforesaid, allow the deposit to be made within a specified period not exceeding one month and may extend it by such period or periods not exceeding one month in the aggregate, as it thinks fit.

(5) Where a suit or other proceeding is stayed under sub-section (1), the tenant or ryot shall, so long as this Act is in force, deposit or continue to deposit in Court, for payment to the landlord, each year's rent as it accrues due, within a period of two months from the date on which it becomes payable or such further period or periods not exceeding two months in the aggregate as may be allowed by the Court.

(6) The deposit specified in sub-sections (2), (3) and (5) may be made by the tenant or ryot or any person whose interests are likely to be affected by the eviction or sale of the holding or land.

(7) If the deposit required by sub-section (2) or sub-section (3) or sub-section (5) is not made within the time specified therein or within such time as may be granted under sub-section (4) or sub-section (5), the Court shall proceed with the suit, execution proceeding or other proceeding, as the case may be, from the stage which had been reached when the suit or proceeding was stayed.

(8) Where a deposit has been made under sub-section (2) or sub-section (5) and there is a dispute in regard to the rate of rent or the existence of the arrears of rent or the amount thereof, the Court may—

(i) refuse to pay to the landlord the whole of the amount deposited or, as the case may be, the portion thereof which is in dispute; or

(ii) direct the payment of the same to the landlord on such terms and conditions as it thinks fit.

(9) The provisions of sub-sections (1) to (8) shall apply *mutatis mutandis* to all proceedings pending at the commencement of this Act or instituted thereafter, in any Court of appeal or revision.

Power of Provincial Government to order continuance of suits and proceedings.

5. Notwithstanding anything contained in section 4, the Provincial Government may direct that any suit or proceeding or class or classes thereof, stayed under sub-section (1) or sub-section (9) of that section shall be proceeded with from the stage which had been reached when the suit or proceeding was stayed.

Contiuance of suits and proceedings after the expiration of the Act.

6. All suits and proceedings stayed under this Act shall, after the expiration of this Act, be proceeded with, subject to the provisions of any law which may then be in force, from the stage which had been reached when the suit or proceeding was stayed:

Provided that in the case of a suit instituted after the commencement of this Act, the Court may, if satisfied that such suit is vexatious or unnecessary, deprive the plaintiff of his costs and award costs to the defendant.

Power to remove difficulties.

7. If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may arise, by order do anything which apears to them necessary for the purpose of removing the difficulty.

THE LATE SIR P. S. SIVASWAMI AIYAR

By

SIR ALLADI KRISHNASWAMI AIYAR.

India and this presidency in particular have sustained a great and irreparable loss in the passing away of Sir P. S. Sivaswami Aiyar full of years and honour at his residence on Tuesday last. On the unveiling of his portrait at the Madras Advocates' Association premises, I paid my tribute to this great son of India, to his eminence, skill and learning as an advocate, to the high sense of public duty that characterised him in the various spheres of his rich and varied life, his deep, thorough and searching study of public questions, his scholarship both in English and Oriental learning, the piety and religious background of his life, his unostentatious and unstinted charity and philanthropy and the abiding and parental interest which he took in the institutions with which he was connected. I crave leave to refer to what I said on that occasion which by the courtesy of the editors of the Madras Law Journal is reported in its columns in (1941) 1 M.L.J. 67 (Jour.). I would now confine myself to certain special features of his life and character which might serve as a source of inspiration and example to this and succeeding generations. He has illustrated in his life that law is but a part of a man's life; that if a lawyer has to fulfil a larger function in life, he must realise that he is but a limb of the social organisation in respect of which he has rights and duties. It is not enough that he is learned in the law, that he is resourceful and forensically eminent. The whole ideal of dharma according to our ancient scriptures and smrithis is rooted in this concept.

It is wrong to think of advocacy as the pettifogging art of making the worse appear the better reason. An advocate must feel and act as one engaged in the conjoint task of the administration of justice with the Bench and Sir Sivaswami Aiyar never deviated from this ideal in the practice of his profession.

The mind of man must continue to be mobile and active down to his last days, and one doubts whether it is possible for a cultured person to maintain a good physique and health unless his mind is agile and receptive to the impact of new ideas and intellectual forces. It is never too late for a man to learn new things. A well-regulated life is whole and not compartmental and culture alone makes for full and complete life. Steeped in the traditions of ancient India, he was a student all his life down to his last days and was devoted to the pursuit of knowledge for its own sake. Every aspect of a man's life, his conversation, his daily conduct, his reactions to social and political movements, must reveal the man,

and Sir Sivaswami Aiyar was a typical example of that type. He can never be huzzled to deviate from the path he chalked out for himself either by the cheers of the multitude or by their passing moods. In the acts of charity which a man does let not the right hand know what the left hand doth. This is more often a truth that is preached than practised. But this great principle preached by the seers of old was the ruling and abiding trait of all his benefactions.

In private life, he was courteous and affable to a degree. Such men as Sir Sivaswami Aiyar, do not require any monuments to glorify them after their time. The Thirukkattupalli High School which he reared with a parental affection and the National Girls' High School at Mylapore which came under his fostering care in the later years of his life to which he has given practically his all, are his best monuments and title to greatness. May his example serve as a beacon-light to succeeding generations of youth in this Presidency.

Sir Sivaswami Aiyar was one of the first founders of your Journal and was associated with it as its editor from 1893 to 1907 and I felt it was my duty to pay once again my tribute to him in the columns of your journal.

11-11-46.

REFERENCE IN MADRAS HIGH COURT.

Mr. K. Rajah Iyer, the Advocate-General, made the following touching reference to the death of Sir P. S. Sivaswamy Iyer, before the Hon'ble the Chief Justice and Lakshmana Rao, J., on the 6th November, 1946 :—

It is my painful duty to communicate to Your Lordships the sad news of the death of Sir P. S. Sivaswamy Iyer the oldest and seniormost member of the Bar which occurred last evening. No more apt and fitting description of him can be given than your Lordship, the Chief Justice's reference to him as " the grand old man of Madras ", when in the year 1941, your Lordship unveiled his portrait in the premises of the Advocates' Association ; and on that occasion Your Lordship gave expression to the high esteem and regard in which he was universally held. He lived up to an age of 83 which is a ripe old age in any country and more so in this country. I had not had the privilege of moving with Sir P. S. Sivaswami Iyer at the Bar because he had left it just a few months before I was enrolled. But I can distinctly remember the occasion when as an apprentice, I had the pleasure and privilege of listening to an argument before a Bench of this Court on an important question of Hindu Law. The inimitable self-possession, the mastery of language and diction and the chaste accentuation even then caught my imagination and firmly impressed themselves on my mind. He was one of the old intellectual giants at the Bar who adorned the High Court in the earlier years of the century. He was a contemporary of great persons like Sir V. Bashyam Iyengar, Sir V. Krishnaswami Iyer, P. R. Sundara Iyer, and Diwan Bahadur T. R. Ramachandra Iyer. Sir P. S. Sivaswami Iyer's career has indeed been a unique one. After going through the law course in 1882 and 1883, he became an apprentice under Mr. R. Balahjee Rao, a well-known leader of the Bar and was enrolled in the year 1885. Having regard to the acknowledged eminence which he attained at the Bar within a few years, it would perhaps be almost irrelevant to mention

that he was a Lecturer in the Law College for sometime. He easily rose to the top rank by the year 1907 when he was appointed Advocate-General, a place which he filled with distinction till 1912. In that year he was appointed Executive Councillor to the Government of Madras. He was a member of the Executive Council from 1912 to 1917 and it was during this period that His Majesty conferred upon him the honour of Knight Commander of the Star of India in recognition of his public service. He was a member of the Indian Legislative Assembly from 1920 to 1923 and took a prominent part therein. He made a special study of military questions and problems and was recognised as an authority on them. He travelled widely, having toured Europe and America and Malaya. He was a great educationist, having acted as Vice-Chancellor of the Madras and the Benares Universities. The Madras University conferred upon him an honorary doctorate in 1932. He was the founder of the Tirukattupalli High School in Tanjore District and he had by his will donated his entire property to the National Girls High School at Mylapore. A more learned and more respected citizen of Madras, it is perhaps, difficult to find. Temperate in speech and sober in action, he commanded universal regard till his death. He was regarded as an ideal and perfect gentleman. His works, "The Indian Constitutional Problems" and "the Evolution of Hindu Moral Ideals" bear eloquent testimony to his thoroughness of study, balance of judgment and deep wisdom. He was a man of great attainments with an unblemished character and unshakable integrity. It was said of him by those best entitled and qualified to speak that his sense of professional honour and rectitude was supreme and that he throughout maintained the highest traditions of the Bar.

Fastidious in taste and methodical in habit, he lived a well-disciplined life, enjoying good health and keeping himself active in mind and body until about two years ago. I cannot omit to refer to the fact that he presided over the Golden Jubilee Celebrations of the Madras Advocates' Association in the year 1939 of which he was one of the Founders at great personal inconvenience to himself. We have today with us two distinguished persons, Mr. T. R. Venkatarama Sastri and Sir S. Varadachariar, two of his 'chelas' who always remember him with pride and affection. Sir P. S. Sivaswami Iyer's was essentially a life which everybody can admire and emulate. Full of refinement and culture, modest and dignified, calm but keeping his own pace with the fast moving changes in the country, he showed in himself a rare combination of the best qualities of the East and the West. He was a great lover and keen student of Sanskrit literature. No happier description of him could be given than that given by the late Right Honourable V. S. Srinivasa Sastri, another great giant, in his own inimitable words, "a man of wide culture, amiable disposition and innate courtesy, with an inflexible love of justice and a keen sense of honour, having large and enlightened benefactions to his credit, able to look back on many years devoted to the pursuit of high aims, and the doing of things that are clean and of good repute, Sir P. S. Sivaswami Iyer is a man to admire, cherish and present to the young as a shining example."

The Chief Justice on behalf of the Bench, in associating himself with the sentiments expressed by the Advocate-General said: "Sir P. S. Sivaswami Aiyer, whose death we have heard with deep regret, had given up practice when I came to Madras, but at an early stage of my sojourn here, I met him. One has only to get to speak to him for a few minutes to realise how justly he was held in universal high esteem. You have, Mr. Advocate-General, referred to the remarks I made in 1941 about him while unveiling his portrait. I would like to add this from what I then said: 'Madras Bar has produced many great men. But none can be deemed to be more deserving of a niche in the Hall of fame than Sir Sivaswami Aiyar.' His death is a great loss, not only to Madras, but to the whole of India. He was a truly great man and we express our deep sympathy with the members of the bereaved family."

TRIBUTE OF THE MADRAS ADVOCATES' ASSOCIATION.

At a General Body Meeting of the Madras Advocates' Association held on the 7th of November, 1946, Mr. Pappu Somasundaram, the President of the Association, in referring to the death of Sir P. S. Sivaswami Iyer, one of the founders of the Association said :—

We have assembled here to pay our homage to the late Sir P. S. Sivaswami Iyer. His portrait adorns the hall of this Association of which he was a distinguished member until his retirement in 1912 from the practice of the profession, when he devoted his great talents, learning and the virtues born of a highly disciplined life to the larger problems of the country either in an official or non-official capacity.

In honouring him, the Association honours itself for it is such men that largely contribute to its prestige and tradition. Of his great qualities as a lawyer, of his unimpeachable professional integrity, you are all aware from the speeches already made elsewhere. I shall only refer to one incident—alomost legendary in its nature—how on one occasion he did not hesitate to sacrifice the interests of his client, however dear it may have been to his client, to the larger interests of truth and justice, and thus demonstrate that justice is paramount to fidelity to the client's cause. Oppressed by a feeling that he would be stealing a march over his less equipped opponent on the other side, by the latter's omission to cite a Privy Council ruling which had the effect of finishing his own client's cause, he himself cited that decision to the great relief of the Court and of his opponent and thereby brought glory to himself and to the much, though to large extent, undeservedly maligned profession of law. I must not omit here to mention one aspect of the lawyer's life which was markedly prominent among members of his generation and that is the academic or scientific interest in law which they cultivated but which, alas, in the succeeding generations, is fading out. How I wish that contact with the academic side is re-established for in my opinion a blending of the academic with the practical side is bound to raise our sense of values in the law Courts and bring its own pleasure to our otherwise dreary arguments consisting mostly of citation of rulings whose value is often so ephemeral that it does not survive their author's tenure of office. Perhaps the least and the smallest part of his life is that which he spent in these halls of justice though it was a real preparation for the flowering of his massive and accurate scholarship and his innate virtues when he entered the wider arena of public life.

His was a dedicated life in every sense of that expression, dedicated to the highest and noblest purposes of life in the true spirit of renunciation which, perhaps, we orientals can readily appreciate.

I look upon him as a true sage among men, as a jivanmukta, one who achieved liberation in this very life, by the rigid practice of the noblest qualities of freedom from passion and lust in all their variety.

May his memory be ever cherished by all of us and may we look to his life as a beacon-light enabling us to keep to the correct standards of life. The lamp may be broken but the light is there.